

REMARKS

Claims 1-14, 16-35, 38, and 41-55 are pending in the application. Claims 49-55 have been withdrawn. Claims 1-14, 16-35, 38, and 41-58 stand rejected. Reconsideration and allowance of Claims 1-14, 16-35, 38, and 41-55, in view of the above amendments and following remarks, is respectfully requested.

The Rejection of Claims 1, 4-9, 11-13, 20, 24-35, 38, 41, and 45-47 Under 35 U.S.C. § 102(b)

Claims 1, 4-9, 11-13, 20, 24-35, 38, 41, and 45-47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,733,273, issued to Ahr. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

Claim 1 recites an absorbent composite that includes one or more fibrous bands in a fibrous base, wherein the base comprises a fibrous matrix and superabsorbent material, and wherein the bands are substantially free of superabsorbent material. Claims 4-9, 11-13, 20, and 24-35 depend from Claim 1 or claims that depend from Claim 1. Claims 38 and 41-43 are independent claims that relate to absorbent articles that include the composite of Claim 1. Claims 45-47 depend from these claims.

The Ahr reference describes an absorbent member with high density absorbent wicking strips. The absorbent member (10) comprises an absorbent medium (14) having a low density fibrous medium and a plurality of absorbent strips (12) having a higher density than the absorbent medium and which are distributed throughout the absorbent medium. See column 1, lines 53-58, and FIGURES 1-4. At column 5, lines 13-16, the reference states that "value added particles [superabsorbents] can comprise up to 99 percent by weight of the absorbent strips, preferably less than 67 percent by weight and most preferably 33-50 percent by weight" of the absorbent strips.

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In contrast to the absorbent member described in the Ahr reference having up to 99 percent by weight of the absorbent strips, preferably less than 67 percent by weight, and most preferably 33-50 percent by weight superabsorbent material, the fibrous bands of the claimed composite are substantially free of superabsorbent. Because the cited reference describes a member having absorbent strips that include, at a minimum, 33 percent by weight superabsorbent, the reference fails to exactly describe the claimed invention, which has fibrous bands that are substantially free of superabsorbent material.

On page 2 of the Office Action, the Examiner states that the reference

teaches the amount of superabsorbent in the fibrous bands can vary, and the fibrous bands near the body facing surface can have 0-50% by weight of superabsorbent (col. 7, line 64 through col. 8, line 1). At 0% the aforementioned fibrous bands are free of superabsorbent material.

Applicants respectfully disagree with the Examiner's interpretation of the reference. At col. 7, line 63 through col. 8, line 2, the reference states:

*If the amount of superabsorbent varies between strips, it is preferred that the strips in the top half of the z direction thickness between the body facing surface and the middle of the thickness of the absorbent member, contain between about 0-50 percent by weight of the total superabsorbent contained in all the absorbent strips of the absorbent member . . . (Emphasis added.)*

Applicants submit that the reference clearly specifies that only when the amount of superabsorbent varies between strips, can the amount of superabsorbent in the strips be 0%. Because the fibrous bands (i.e., strips) of the composite of the present invention are substantially free of superabsorbent material, the amount of superabsorbent material does not vary. Because the amount of superabsorbent material in the bands of the claimed composite does not vary, the condition for having 0% by weight superabsorbent in a strip, as set forth in the cited reference, is not met. Therefore, the reference fails to describe the claimed invention.

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Because the Ahr reference fails to exactly describe the claimed invention, the reference is not anticipatory. Withdrawal of this grounds for rejection is respectfully requested.

Furthermore, because the Ahr reference describes an absorbent member that includes absorbent strips that have at least one-third of the strips' weight being superabsorbent, the reference also fails to suggest, provide an motivation to make, or otherwise render obvious the claimed invention, a composite having fibrous bands that are substantially free of superabsorbent material.

The Rejection of Claim 19 Under 35 U.S.C. § 103(a)

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ahr reference. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

Claim 19 depends from Claim 1 which, as discussed above, is neither described nor suggested by the Ahr reference. Because the Ahr reference fails to describe or suggest the composite of Claim 1, and because Claim 19 depends from Claim 1, the claimed invention is nonobvious and patentable over the cited reference. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claims 21-23 Under 35 U.S.C. § 103(a)

Claims 21-23 stand rejected 35 U.S.C. § 103(a) as being unpatentable over the Ahr reference in view of EP 0 515 750 (the Chan reference). Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

Claims 21-23 depend from Claim 20, which depends from Claim 1. The deficiencies of the Ahr reference noted above are not cured by the teachings of the Chan reference. Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention, the claimed invention is nonobvious

and patentable over the cited references. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claims 1-3, 5, 6, 9-14, 16-19, 26,  
27, 38, 41, and 45-47 Under 35 U.S.C. § 103(a)

Claims 1-3, 5, 6, 9-14, 16-18, 26, 27, 38, 41, and 45-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,372,312, issued to Fendler et al., in view of U.S. Patent No. 5,613,962, issued to Kenmochi. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

The Fendler reference describes an absorbent pad that includes a nonwoven hydrophilic thermoplastic filamentary microfibrous web having advantageous fluid transfer and wicking properties so as to be suitable as an absorbent component in sanitary napkins (i.e., a feminine care hygiene product). See column 1, line 66 through column 2, line 4. The pad described in the reference does not include superabsorbent material. Applicants submit that, because the pad described in the reference is used as an absorbent component in sanitary napkins, and because the advantageous fluid transfer and wicking properties attributed to the pad would be greatly diminished by the inclusion of superabsorbent material in the pad, the reference can provide no suggestion or motivation to include superabsorbent in the pad. Moreover, the well-known problems associated with the inclusion of superabsorbent materials in feminine care hygiene products (i.e., toxic-shock syndrome) mitigate against the inclusion of superabsorbent material in the pad described by the reference.

Because there can be no motivation to modify the absorbent pad described by the Fendler reference to include superabsorbent material, the Examiner's *prima facie* case of obviousness, which combines the Fendler reference with the Kenmochi reference, is not tenable. Withdrawal of the rejection is respectfully requested for this reason.

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Applicants offer the following remarks with regard to the Kenmochi reference.

The Kenmochi reference describes an absorbent article that includes a core (4) made of fluff pulp fibers or fluff pulp fibers and superabsorbent material, a fluid diffusing sheet (5), and a plurality of stripe-zones (8) made of hydrophobic thermoplastic synthetic resin. See column 2, lines 35-62. The plurality of stripe-zones is illustrated as reference numeral 8 in FIGURES 2-4. As is clear from the figures, the plurality of stripe-zones (8) is positioned on the upper surface of diffusing sheet (5). See also column 2, lines 55-60.

In contrast to the fibrous bands of the claimed invention, which are "in" a fibrous base, the plurality of stripe-zones described in the Kenmochi reference are "on" the upper surface of a diffusing sheet. Furthermore, the plurality of stripe-zones is formed by an extrusion-molded thermoplastic synthetic resin. In contrast, the bands of the composite of the claimed invention are fibrous. Applicants reiterated that because the cited reference does not describe a composite having one or more fibrous bands in a fibrous base, the reference fails to teach or suggest the claimed composite.

Furthermore, the thermoplastic stripe-zones described in the reference are hydrophobic and are intended to guide, without absorbing, bodily fluids. In contrast, the fibrous bands of the claimed invention are hydrophilic and absorb and wick bodily fluids to the fibrous matrix where the fluids are ultimately retained.

Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention, the claimed invention is nonobvious and patentable over the cited references. Withdrawal of this grounds for rejection is respectfully requested.

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The Rejection of Claim 8 Under 35 U.S.C. § 103(a)

Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fendler and Kenmochi references in view of U.S. Patent No. 3,525,338, issued to Bernardin. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

Claim 28 depends from Claim 27, which depends from Claim 26, which depends from Claim 1.

The deficiencies of the teachings of the Fendler and Kenmochi references noted above with regard to Claim 1 are not cured by the teaching of the Bernardin reference. Because the cited references, either alone or in any combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention, the claimed invention is nonobvious and patentable over the cited references.

The Rejection of Claims 42-44 Under 35 U.S.C. § 103(a)

Claims 42-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fendler and Kenmochi references in view of U.S. Patent No. 5,649,916, issued to DiPalma et al. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

Claims 42 and 43 are independent claims relating to absorbent articles that include the composite of Claim 1. Claim 44 depends from Claim 43.

The deficiencies of the teachings of the Fendler and Kenmochi references noted above with regard to Claim 1 are not cured by the teaching of the DiPalma reference. Because the cited references, either alone or in any combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention, the claimed invention is nonobvious and patentable over the cited references. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claim 48 Under 35 U.S.C. § 103(a)

Claim 48 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fendler and Kenmochi references in view of U.S. Patent No. 4,527,989, issued to Karami. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

Claim 48 depends from Claim 47, which depends from independent Claim 42. Claim 42 recites under absorbent article that includes the composite of Claim 1.

The deficiencies of the teachings of the Fendler and Kenmochi references noted above with regard to Claim 1 are not cured by the teachings of the Karami reference. Because the cited references, either alone or in any combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention, the claimed invention is nonobvious and patentable over the cited references. Withdrawal of this grounds for rejection is respectfully requested.

Rejoinder of Claims 49-55

Applicants respectfully request that Claims 49-55 be rejoined with the present application. Claims 49-55 were withdrawn as directed to a non-elected species (absorbent composite as acquisition layer). Applicants believe that, now that the elected species (absorbent composition as storage layer) has been examined and those claims believed to be allowable, and because the absorbent composite itself has been determined to be inventive (See Claim 1), Claims 49-55 may be properly rejoined in this application. Rejoinder and allowance of Claims 49-55 is respectfully requested.

Conclusion

In view of the foregoing remarks, applicants believe that Claims 1-14, 16-35, 38, and 41-55 are in condition for allowance. If any issues remain that may be expeditiously addressed

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in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

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Date: December 12, 2003

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